

BEFORE THE DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION OF THE STATE OF MONTANA

In the matter of the amendment of ARM)
36.12.101, definitions and ARM)
36.12.113, reservoir standards)

NOTICE OF AMENDMENT

To: All Concerned Persons

1. On April 12, 2007, the Department of Natural Resources and Conservation published MAR Notice No. 36-22-118 regarding a notice of public hearing on the proposed amendment of the above-stated rules at page 456 of the 2007 Montana Administrative Register, Issue No. 7. On June 7, 2007, the department published MAR Notice No. 36-22-120 regarding a notice of extension of comment period on the proposed amendment at page 774 of the 2007 Montana Administrative Register, Issue No. 11.

2. The department has amended ARM 36.12.113 exactly as proposed.

3. The department has amended 36.12.101 as proposed but with the following changes from the original proposal, matter to be stricken interlined, new matter underlined:

36.12.101 DEFINITIONS Unless the context requires otherwise, to aid in the implementation of the Montana Water Use Act and as used in these rules:

(1) through (38) remain as proposed.

(39) through (78) remain as proposed, but are renumbered (40) through (79).

4. The numbering of ARM 36.12.101 was changed to reflect the adoption of MAR Notice No. 36-22-119 on April 26, 2007, at page 508 of the 2007 Montana Administrative Register, Issue No. 8.

5. The following comment was received and appears with the agency's response:

COMMENT 1: Commenter states support for better documentation of the amount of water being put to use. Further, commenter believes that cumulative effects of many small water diversion will impact existing water rights and that the proposal being considered, which asks current users to file for changes for storage of any additional water larger than 0.10 acre feet, allows neighbors who have existing water rights to protest the proposed new development is appropriate.

RESPONSE: The department acknowledges the time and effort put forth by the commenter and appreciates their interest.

/s/ Mary Sexton
MARY SEXTON
Director, Natural Resources and Conservation

/s/ Anne Yates
ANNE YATES
Rule Reviewer

Certified to the Secretary of State July 30, 2007.